

HOUSE BILL NO. 673

INTRODUCED BY PETERSON, BRUEGGEMAN, DEVLIN, HURWITZ, LAKE, MALCOLM, A. OLSON,  
RICE, STEINBEISSER, WITT

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE FISH, WILDLIFE, AND PARKS  
COMMISSION SHALL REVIEW AND APPROVE OR DISAPPROVE, PRIOR TO FILING, ANY OBJECTION  
PROPOSED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ANY EXISTING WATER RIGHT  
OR ANY PERMIT OR CHANGE AUTHORIZATION; REQUIRING THE ~~COMMISSION~~ DEPARTMENT TO HOLD  
A PUBLIC MEETING IN THE WATER BASIN AFFECTED BY THE PROPOSED OBJECTION PRIOR TO  
REVIEW AND APPROVAL OR DISAPPROVAL OF THE OBJECTION; AND AMENDING SECTION 87-1-301,  
MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 87-1-301, MCA, is amended to read:

**"87-1-301. (Temporary) Powers of commission.** (1) The commission:

(a) shall set the policies for the protection, preservation, and propagation of the wildlife, fish, game,  
furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment of all other  
responsibilities of the department as provided by law;

(b) shall establish the hunting, fishing, and trapping rules of the department;

(c) shall establish the rules of the department governing the use of lands owned or controlled by the  
department and waters under the jurisdiction of the department;

(d) must have the power within the department to establish wildlife refuges and bird and game  
preserves;

(e) shall approve all acquisitions or transfers by the department of interests in land or water;

(f) shall review and approve the budget of the department prior to its transmittal to the budget office;

and

(g) shall review and approve construction projects that have an estimated cost of more than \$1,000 but  
less than \$5,000;

(h) shall review and approve or disapprove, prior to filing, any objection proposed by the department:

1 (i) under Title 85, chapter 2, part 2, to any existing water right, as defined in 85-2-102, being adjudicated  
 2 by the Montana water court; or

3 (ii) to any permit or change authorization under Title 85, chapter 2, ~~part 3~~ PARTS 3 AND 4.

4 (2) Prior to review of any objections proposed by the department under subsection (1)(h), the  
 5 ~~commission~~ DEPARTMENT shall hold a public meeting within the water basin affected by the proposed objections  
 6 and receive public comment. THE COMMISSION SHALL CONSIDER THE PUBLIC COMMENT prior to approving or  
 7 disapproving the filing of the department's objection.

8 ~~(2)~~(3) The commission may adopt rules regarding the use and type of archery equipment that may be  
 9 employed for hunting and fishing purposes, taking into account applicable standards as technical innovations  
 10 in archery equipment change.

11 ~~(3)~~(4) The commission may adopt rules regarding the establishment of special licenses or permits,  
 12 seasons, conditions, programs, or other provisions that the commission considers appropriate to promote or  
 13 enhance hunting by Montana's youth and persons with disabilities.

14 ~~(4)~~(5) (a) The commission may adopt rules regarding nonresident big game combination licenses to:

15 (i) separate deer licenses from nonresident elk combination licenses;

16 (ii) set the fees for the separated deer combination licenses and the elk combination licenses without  
 17 the deer tag;

18 (iii) condition the use of the deer licenses; and

19 (iv) limit the number of licenses sold.

20 (b) The commission may exercise the rulemaking authority in subsection ~~(4)(a)~~ (5)(a) when it is  
 21 necessary and appropriate to regulate the harvest by nonresident big game combination license holders for the  
 22 biologically sound management of big game populations of deer and elk and to control the impacts of those deer  
 23 and elk populations on uses of private property.

24 ~~(5)~~(6) The commission may adopt rules establishing license preference systems to distribute hunting  
 25 licenses and permits:

26 (a) giving an applicant who has been unsuccessful for a longer period of time priority over an applicant  
 27 who has been unsuccessful for a shorter period of time; and

28 (b) giving a qualifying landowner a preference in drawings. As used in this subsection ~~(5)(b)~~ (6)(b),  
 29 "qualifying landowner" means the owner of land that provides some significant habitat benefit for wildlife, as  
 30 determined by the commission.

1           ~~(6)~~(7) (a) The commission may adopt rules to:

2           (i) limit the number of nonresident mountain lion hunters in designated hunting districts in the  
3 administrative region designated by the department as region 1; and

4           (ii) determine the conditions under which nonresidents may hunt mountain lion in designated hunting  
5 districts in the administrative region designated by the department as region 1, which may include limiting the  
6 number of nonresident hound handler permits.

7           (b) The commission shall consider, but is not limited to consideration of, the following factors:

8           (i) harvest of lions by resident and nonresident hunters;

9           (ii) history of quota overruns;

10          (iii) composition, including age and sex, of the lion harvest;

11          (iv) historical outfitter use;

12          (v) conflicts among hunter groups;

13          (vi) availability of public and private lands; and

14          (vii) whether restrictions on nonresident hunters are more appropriate than restrictions on all hunters.

15 (Terminates April 30, 2004--sec. 3, Ch. 575, L. 2001.)

16           **87-1-301. (Effective May 1, 2004) Powers of commission.** (1) The commission:

17           (a) shall set the policies for the protection, preservation, and propagation of the wildlife, fish, game,  
18 furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment of all other  
19 responsibilities of the department as provided by law;

20           (b) shall establish the hunting, fishing, and trapping rules of the department;

21           (c) shall establish the rules of the department governing the use of lands owned or controlled by the  
22 department and waters under the jurisdiction of the department;

23           (d) must have the power within the department to establish wildlife refuges and bird and game  
24 preserves;

25           (e) shall approve all acquisitions or transfers by the department of interests in land or water;

26           (f) shall review and approve the budget of the department prior to its transmittal to the budget office;

27 and

28           (g) shall review and approve construction projects whose estimated cost is more than \$1,000 but less  
29 than \$5,000;

30           (h) shall review and approve or disapprove, prior to filing, any objection proposed by the department:

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31 - END -